

IN THE CIRCUIT COURT OF STONE COUNTY, MISSISSIPPI

FILED

CARLA LYNN MANN

MAY 27 2010

PLAINTIFF

VERSUS

STONE COUNTY, MISS. CAUSE NO. 2010-0136
KENNY HATTEN, CIR. CLK.
BY W. James D.C.

RICO HENDERSON,
AND THE KANSAS CITY SOUTHERN
RAILWAY COMPANY

DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, Carla Lynn Mann, and files this, her Complaint against Rico Henderson and The Kansas City Southern Railway Company, and would show unto the Court the following, to-wit:

I.

Your Plaintiff, Carla Lynn Mann, is an adult resident citizen of Stone County, Mississippi, who resides at 1134 Oilwell Road, Wiggins, Mississippi, 39577.

II.

Your Defendant, Rico Henderson, is an adult resident citizen of Wayne County, Mississippi, who resides at 70 Taylor Circle, Waynesboro, Mississippi, 39367, where he may be served with process.

III.

The Defendant, The Kansas City Southern Railway Company, is a business corporation organized under the laws of the State of Missouri. The Kansas City Southern Railway Company is licensed to do business and is doing business in the State of Mississippi and can be served by process upon its registered agent for process, C T Corporation System, at 645 Lakeland East Drive, Suite 101, Flowood, Mississippi, 39232.

IV.

Exhibit
"A"

That on or about the 6th day of June, 2007, your Plaintiff, Carla Lynn Mann, was a passenger in a vehicle operated by Luke Coulter, when they were involved in an accident in Wiggins, Stone County, Mississippi, in which the vehicle being driven by Luke Coulter collided with a train when it was stopped on the railway on Mill Road.

V.

That the railway crossing at Mill Road is unusually dangerous in that The Kansas City Southern Railway Company failed to place adequate and operable warning lights to warn oncoming vehicles when a train is stopped on the tracks.

VI.

That The Kansas City Southern Railway Company and Rico Henderson acted in negligence when they stopped the train on the tracks at Mill Road without adequate and operable warning lights, causing the vehicle driven by Luke Coulter to collide with the train, which caused severe and disabling injuries to your Plaintiff, Carla Lynn Mann.

VII.

That The Kansas City Southern Railway Company has a duty to properly maintain its railway crossing, including but not limited to placing proper warning signs and lights at the crossing so motorists may avoid accidents.

VIII.

That The Kansas City Southern Railway Company failed to properly maintain its railway crossing at Mill Road in Stone County, Mississippi, and failed to place proper warnings and lighting at the subject crossing.

IX.

That Rico Henderson negligently operated the train which collided with the vehicle operated by Luke Coulter and as a result caused the injuries of Carla Lynn Mann

X.

That Rico Henderson at the time of the accident was an employee of The Kansas City Southern Railway Company and his negligence is imputed to The Kansas City Southern Railway Company under the theory of *respondeat superior* as he was operating the train pursuant to his employment with The Kansas City Southern Railway Company.

XI.

Your Plaintiff, Carla Lynn Mann, would show that at the time of the accident there were no lights on the train nor were there any warning lights operating at the crossing at Mill Road, and on the night of the accident it was dark and the train was virtually invisible to oncoming traffic, and had the train been properly lighted and had the crossing been properly marked and lighted, then the accident would have not occurred, and that the accident occurred as a result of The Kansas City Southern Railway Company's negligence and the negligence of Rico Henderson.

XII.

That Carla Lynn Mann has sustained serious, grievous and disabling injuries as a result of this accident, including but not limited to loss of income, loss of earning capacity, permanent disability, temporary disability, past, present and future medical bills all as a result of the negligence of The Kansas City Southern Railway Company, Rico Henderson, and Luke Coulter.

XIII.

That Carla Lynn Mann herein makes claim for all causes of action recognizable under the statutes of the State of Mississippi and the laws of the United States of America and would claim that as a result of the actions of Rico Henderson and The Kansas City Southern Railway Company, she was injured as a result of the negligence of these parties and should be entitled to recover under any cause of action recognizable under these laws.

WHEREFORE, PREMISES CONSIDERED, your Plaintiff prays that this, her Complaint, be received and filed, and she demands judgment of and from the Defendant, The Kansas City Southern Railway Company, for her damages as a result of its negligence in operating the train and failing to properly maintain and operate its railway, and further demands judgment of and from the Defendant, Rico Henderson, as an employee of The Kansas City Southern Railway Company, and The Kansas City Southern Railway Company for the results of the negligence of its employee, Rico Henderson, under the theory of *respondeat superior*.

Your Plaintiff further prays for any relief, whether general or specific, to which she may be entitled under any cause of action recognizable under the laws of the State of Mississippi and the United States of America.

Respectfully submitted, this 27th day of May, 2010.

CARLA LYNN MANN, Plaintiff

By: PARSONS LAW OFFICE

By: 
TADD PARSONS, Her Attorney

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